REMARKS

Claims 1 to 17 are pending in the application; claims 15 to 17 have been added with the instant amendment.

Rejection under 35 USC 112

Claims 1 to 7 stand rejected under 35 USC 112, second paragraph, because the language of claim 1, line 7, is unclear as regards the device being referred to. This error has been corrected by specifying that the device is the program-controlled device.

Reconsideration and withdrawal of the rejection of the claims 1-7 under 35 USC 112 are respectfully requested.

Rejection under 35 USC 102

Claims 1-4, 7-10, 12-13 stand rejected under 35 U.S.C. 102 as being anticipated by *Pratt (US 7,043,537)*.

The examiner argues that Fig. 2 shows an external Web browser 110 and that in col. 2, lines 15-25, it is disclosed that update information can be retrieved and that in col. 3, lines 20-36, it is set forth that software is downloaded for updating available functions from the Web server 185 (Fig. 2). The examiner then states that the requested update information is being passed through the program-controlled device to the Web browser (col. 2, lines 56-67). The update information is cached in the Web browser and the update information is then programmed into the program-controlled device by program code executed in the Web browser (examiner refers to col. 4, lines 30-47).

The claims 1, 8 and 12 clearly set forth that the program-controlled device is an entity separate from the Web browser - the Web browser is external and is connected to the program-controlled device by an interface; the Web browser is not a component of the program-controlled device (claim 8 defines that the program-controlled device has Web server functions and an interface for connecting the device and the Web browser; claim 1 defines that the device is connected to an external Web browser and communicates by Web server functions on the program-controlled device with the Web browser). The specification and the drawings show that the program-controlled device 1 and the computer 4 where the Web browser is installed are separate devices (see paragraph 0035; Figure). The program-controlled device is connected to the external Web browser by an interface; the Web browser is not part of the program-controlled device; the program controlled

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device has Web server functions so as to be able to communicate with the external Web browser.

As explained in detail in paragraphs 0038 to 0041 of the instant specification, via the Web browser a command for an update is triggered and transferred to the program-controlled device which, in turn, contacts the Web server and requests an update. The update passes through the program-controlled device to the Web browser where it is cached by Java applet. The Java applet is started within the Web browser and the update information is then programmed by Java applet into the program-controlled device; these steps are shown in the Figure by arrows a) through e).

It is apparent that the program-controlled device is a "transfer station" between the Web browser and the Web server (arrows a) and b) to request an update; arrows c) and d) to download an update to the Web browser) before the update is installed in the last step e) in the device.

Such a method, device configuration and program code are nowhere shown in *Pratt.* The Web browser 110 and the Web server 185/120 are in direct communication; all requests and transfers take place between the Web browser and the Web server (see col. 2, lines 1-5; col. 2, lines 62-65). There is no program-controlled device arranged between the Web browser and the Web server in the way defined in the instant claims; there is no reference in the text portions cited by the examiner that the update information is passed from the Web server through such a program-controlled device to the Web browser. The program-controlled device according to claims 1 and 8 is a separate entity and has Web server functions in order to communicate with the Web browser, an interface for connecting to the external Web browser, and a network connector for the Web server. Such a configuration and th corresponding method are not shown in *Pratt.*

The text portion col. 4, lines 30-37, that is being relied on by the examiner to show that the update information is programmed by the program code executed in the external Web browser into the program-controlled device refers to the device 142 that is a separate entity from the Web browser and is not connected to the Web browser. The Web browser cannot access the device 142 and cannot cause programming of the update information into the device 142. If the device 142 were the program-controlled device, the Web browser would have to be connected to the device 142, and the device 142 would have to

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be connected to the Web server. The request for an update would have to be initiated by the Web browser 110 and passed through device 142 to the Web server 120/185 and the update information downloaded from the Web server 120/185 through device 142 into the Web browser 110 where it is cached and then programmed by program code executed in the Web browser 110 into the device 142. Such a method and such a device configuration are not disclosed or suggested in *Pratt*.

The device142 is used to change the software program 180 on the Web server 120 (see col. 4, lines 39-43: "The editor 148 enables a programmer to embed downloadable units into the binary code file of the software program 180. The loader 144 loads the binary file with the embedded downloadable units onto the network device 120 via the communications channels 165."). These downloadable units are directly requested by the Web browser 110 from the Web server 120/185 and downloaded directly from the Web server 120/185 onto the Web browser 110 - the device 142 has no part in the communication between the Web browser 110 and the Web server 120 and is only used by programmers for changing the software 180 whose downloadable units are then downloaded by direct communication between the Web browser 110 and the Web server 120/185.

Reconsideration and withdrawal of the rejection of the claims 1-4, 7-10, 12-13 under 35 USC 102 are respectfully requested.

Rejection under 35 USC 103

Claims 5-6, 11, 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Pratt (US 7,043,537)* and *Craig (US 6,266,809)*.

Claims 1, 8 and 12 are believed to be allowable for the reasons presented above so that their dependent claims should be allowable also.

New Claims

Claims 15, 16, 17 define the program-controlled device as a measuring device that performs program-controlled measurements; see specification [0036]. This is not disclosed in *Pratt* or *Craig*.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

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Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on <u>June 23, 2008,</u>

/Gudrun E. Huckett/

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